

40097

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

AXEL SCHULTE

Serial No.: 09/601,280

Filed: July 31, 2001

For: FLOOR CARPET INSTALLING
SYSTEM

Patent

Group Art Unit:

Examiner:

SUBMISSION OF ENGLISH PRELIMINARY EXAMINATION REPORT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith is an English language Preliminary Examination Report for the
above-identified application.

Respectfully submitted,



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Dated: June 6, 2001

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PATENT COOPERATION TREATY

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NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

BARTELS UND PARTNER

Lange Strasse 51

D-70174 Stuttgart

ALLEMAGNE

Termin:

Eng.: 14. MAI 2001

PatWO.

Date of mailing (day/month/year) 24 April 2001 (24.04.01)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 48rdb/128502/PCT	
International application No. PCT/EP98/06020	International filing date (day/month/year) 22 September 1998 (22.09.98)
Applicant GOTTLIEB BINDER GMBH & CO. et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CA,JP,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer AH SOLEIMAN Telephone No. (41-22) 338.83.38
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Translation

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 48rdb/128502	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP98/06020	International filing date (day/month/year) 22 September 1998 (22.09.98)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC A47G 27/04		
Applicant GOTTLIEB BINDER GMBH & CO.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 7 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 08 July 1999 (08.07.99)	Date of completion of this report 08 December 1999 (08.12.1999)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP98/06020

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☐ the international application as originally filed.

☒ the description, pages _____, as originally filed,
pages _____, filed with the demand,
pages 1-5, filed with the letter of 08 November 1999 (08.11.1999),
pages _____, filed with the letter of _____.

☒ the claims, Nos. _____, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. 1-6, filed with the letter of 08 November 1999 (08.11.1999),
Nos. _____, filed with the letter of _____.

☒ the drawings, sheets/fig 1/2,2/2, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____

☒ the claims, Nos. 7-9

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 98/06020**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1 - 6	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 6	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 6	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: DE-A-195 32 685

D3: DE-A-196 46 318.

2. D1, which is considered the closest prior art, already discloses (cf. column 2, lines 17 to 33) a floor carpet laying system as per the preamble of Claim 1.

The subject matter of Claim 1 therefore differs from this known floor carpet laying system by the features in the characterizing part.

Consequently the subject matter of Claim 1 is novel (PCT Article 33(2)).

3. The object to be achieved by the present invention can thus be regarded as the selection of a design for the thickened portions of the stalk-like parts of the interlocking elements.

The approach proposed in the characterizing part can be considered inventive (PCT Article 33(3)) since,

although the shape of the thickened portions is already known from D3, the prior art gives a person skilled in the art no suggestion of providing an adhesive in the depressions.

4. The subjects of dependent Claims 2 to 6 each cover the subject matter of Claim 1 and hence for the same reason can also be considered novel and inventive.